

1 Rule 51. Instructions to jury; objections.

2 (a) Preliminary instructions. After the jury is sworn and before opening statements, the court
3 may instruct the jury concerning the jurors' duties and conduct, the order of proceedings, the
4 elements and burden of proof for the cause of action, and the definition of terms. The court may
5 instruct the jury concerning any matter stipulated to by the parties and agreed to by the court and
6 any matter the court in its discretion believes will assist the jurors in comprehending the case.
7 ~~Preliminary instructions shall be in writing and a copy provided to each juror. At the final~~
8 ~~pretrial conference or at such other time as the court directs, a party may file a written request~~
9 ~~that the court instruct the jury on the law as set forth in the request. The court shall inform the~~
10 ~~parties of its action upon a requested instruction prior to instructing the jury, and it shall furnish~~
11 ~~the parties with a copy of its proposed instructions, unless the parties waive this requirement.~~

12 (b) Interim ~~written~~ instructions. During the course of the trial, the court may instruct the jury
13 on the law if the instruction will assist the jurors in comprehending the case. ~~Prior to giving the~~
14 ~~written instruction, the court shall advise the parties of its intent to do so and of the content of the~~
15 ~~instruction.~~ A party may request an interim ~~written~~ instruction.

16 (c) Final instructions. The court shall instruct the jury at the conclusion of the evidence. The
17 court may repeat an earlier instruction to assist the jury in comprehending the case. Parties shall
18 file requested jury instructions at the time and in the format directed by the court. If a party
19 relies on statute, rule or case law to support or object to a requested instruction, the party shall
20 provide a citation to or a copy of the precedent. The court shall inform counsel of its proposed
21 action upon the requests prior to instructing the jury; and it shall furnish counsel with a copy of
22 its proposed instructions, unless the parties waive this requirement. Final instructions shall be in
23 writing and at least one copy provided to the jury. The court shall provide a copy to any juror
24 who requests one and may, in its discretion, provide a copy to all jurors.

25 (d) Request for instructions. Parties shall file requested jury instructions at the final pretrial
26 conference or at any other time directed by the court. If a party relies on a statute, rule or case to
27 support or object to a requested instruction, the party shall provide a citation to or a copy of the
28 statute, rule or case. The court shall provide the parties with a copy of the approved instructions,
29 unless the parties waive this requirement.

30 (e) Written instructions. Whenever practical, jury instructions should be in writing. At least
31 one written copy shall provided to the jury. The court shall provide a written copy to any juror
32 who requests one.

33 ~~(d)~~ (f) Objections to instructions. Objections to written instructions shall be made before the
34 instructions are given to the jury. Objections to oral instructions may be made after they are
35 given to the jury, but before the jury retires to consider its verdict. The court shall provide an
36 opportunity to make objections outside the hearing of the jury. Unless a party objects to an
37 instruction or the failure to give an instruction, the instruction may not be assigned as error
38 except to avoid a manifest injustice. In objecting to the giving of an instruction, a party shall
39 identify the matter to which the objection is made and the grounds for the objection.

40 ~~(e)~~ (g) Arguments. Arguments for the respective parties shall be made after the court has
41 given the jury its final instructions. The court shall not comment on the evidence in the case, and
42 if the court states any of the evidence, it must instruct the jurors that they are the exclusive
43 judges of all questions of fact.

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